

Calendar No. 231

104TH CONGRESS
1ST SESSION

H. R. 660

[Report No. 104-172]

AN ACT

To amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons.

NOVEMBER 9, 1995

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

APRIL 7 (legislative day, APRIL 5), 1995

Received; read twice and referred to the Committee on the Judiciary

NOVEMBER 9, 1995

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Housing for Older Per-
5 sons Act of 1995”.

1 **SEC. 2. DEFINITION OF HOUSING FOR OLDER PERSONS.**

2 Subparagraph (C) of section 807(b)(2) of the Fair
3 Housing Act (42 U.S.C. 3607(b)(2)) is amended to read
4 as follows:

5 “(C) that meets the following requirements:

6 “(i) The housing is in a facility or commu-
7 nity intended and operated for the occupancy of
8 at least 80 percent of the occupied units by at
9 least one person 55 years of age or older.

10 “(ii) The housing facility or community
11 publishes and adheres to policies and proce-
12 dures that demonstrate the intent required
13 under clause (i), whether or not such policies
14 and procedures are set forth in the governing
15 documents of such facility or community.

16 “(iii) The housing facility or community
17 complies with rules made by the Secretary for
18 the verification of occupancy. Such rules shall
19 allow for that verification by reliable surveys
20 and affidavits and shall include examples of the
21 types of policies and procedures relevant to a
22 determination of compliance with the require-
23 ment of clause (ii). Such surveys and affidavits
24 shall be admissible in administrative and judi-
25 cial proceedings for the purposes of such ver-
26 ification.”.

1 **SEC. 3. GOOD FAITH ATTEMPT AT COMPLIANCE DEFENSE**
 2 **AGAINST CIVIL MONEY DAMAGES.**

3 Section 807(b) of the Fair Housing Act (42 U.S.C.
 4 3607(b)) is amended by adding at the end the following:

5 “(5) **GOOD FAITH RELIANCE.**—(A) A person shall
 6 not be held personally liable for monetary damages for a
 7 violation of this title if such person reasonably relied, in
 8 good faith, on the application of the exemption under this
 9 subsection relating to housing for older persons.

10 “(B) For the purposes of this paragraph, a person
 11 engaged in the business of residential real estate trans-
 12 actions may show good faith reliance on the application
 13 of the exemption by showing that—

14 “(i) such person has no actual knowledge that
 15 the facility or community is not, or will not, be eligi-
 16 ble for such exemption; and

17 “(ii) the facility or community has certified to
 18 such person, in writing and on oath or affirmation,
 19 that the facility or community complies with the re-
 20 quirements for such exemption.”.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Housing for Older Per-*
 23 *sons Act of 1995”.*

24 **SEC. 2. DEFINITION OF HOUSING FOR OLDER PERSONS.**

25 *Section 807(b)(2)(C) of the Fair Housing Act (42*
 26 *U.S.C. 3607(b)(2)(C)) is amended to read as follows:*

1 “(C) intended and operated for occupancy by
2 persons 55 years of age or older, and—

3 “(i) at least 80 percent of the occupied units
4 are occupied by at least one person who is 55
5 years of age or older;

6 “(ii) the housing facility or community
7 publishes and adheres to policies and procedures
8 that demonstrate the intent required under this
9 subparagraph; and

10 “(iii) the housing facility or community
11 complies with rules issued by the Secretary for
12 verification of occupancy, which shall—

13 “(I) provide for verification by reliable
14 surveys and affidavits; and

15 “(II) include examples of the types of
16 policies and procedures relevant to a deter-
17 mination of compliance with the require-
18 ment of clause (ii). Such surveys and affi-
19 davits shall be admissible in administrative
20 and judicial proceedings for the purposes of
21 such verification.”.

1 **SEC. 3. GOOD FAITH ATTEMPT AT COMPLIANCE; DEFENSE**
2 **AGAINST CIVIL MONEY DAMAGES.**

3 *Section 807(b) of the Fair Housing Act (42 U.S.C.*
4 *3607(b)) is amended by adding at the end the following new*
5 *paragraph:*

6 *“(5)(A) A person shall not be held personally liable*
7 *for monetary damages for a violation of this title if such*
8 *person reasonably relied, in good faith, on the application*
9 *of the exemption under this subsection relating to housing*
10 *for older persons.*

11 *“(B) For the purposes of this paragraph, a person may*
12 *only show good faith reliance on the application of the ex-*
13 *emption by showing that—*

14 *“(i) such person has no actual knowledge that*
15 *the facility or community is not, or will not be, eligi-*
16 *ble for such exemption; and*

17 *“(ii) the facility or community has stated for-*
18 *mally, in writing, that the facility or community*
19 *complies with the requirements for such exemption.”.*

Passed the House of Representatives April 6, 1995.

Attest:

ROBIN H. CARLE,

Clerk.